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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al.

Confirmation No. 5119

Application No.: 09/717,057

Group Art Unit: 1646

Filed: November 21, 2000

Examiner: DeBerry, Regina M.

For: MODULATION OF EXCITABLE TISSUE
FUNCTION BY PERIPHERALLY ADMINISTERED
ERYTHROPOIETIN

Attorney Docket No.: 10165-010-999

AMENDMENT UNDER 37 C.F.R. § 111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SIR:

In response to the Office Action dated November 1, 2002, and pursuant to the Rules of Practice, please consider the amendment and remarks below. Applicants submit concurrently herewith: (1) a Petition for Extension of Time for a period of three months from February 1, 2003 up to and including May 1, 2003, accompanied by the appropriate fee; (2) Exhibit A: copies of (i) the request for filing a divisional application and (ii) page 1 of specification as originally filed; (3) Exhibit B: copies of the Information Data Sheet and the return receipt postcard date-stamped February 22, 2003; (4) Exhibit C: Physicians' Desk Reference, Medical Economics Company, Inc., Montvale, NJ, 2000, pp.519-525 and 2125-2131; (5) Exhibit D: data corroborating enablement for use of EPO to enhance function in abnormal mammals; and (6) Exhibit E: Albayrak *et al.*, 1997, ACTA Neuropathol. 94: 158-163.

It is estimated that no additional fee is necessary to file this amendment. In the event that an additional fee is required, please charge Pennie & Edmonds LLP Deposit Account No. 16-1150.